

## REMARKS/ARGUMENTS

Claims 1-34 are pending in the application. Claims 9, 11, 12, 24, and 25 stand rejected as indefinite under 35 U.S.C. § 112; and claims 1-34 stand rejected as obvious under 35 U.S.C. § 103. The rejection is respectfully traversed and reconsideration is requested. The references asserted do not teach or suggest the claimed invention.

### *Claim Amendments*

The amendment of independent method claims 1 and 27 and independent system claims 14, 29, and 31 proposes that the financial transaction data that is, for example, transmitted, converted, and compared, as recited in claims 1 and 14, transmitted, translated, and associated, as recited in claims 27 and 29, and received by the mark to market reconciliation system, as recited in claims claim 31, consists at least in part of marked-to-market valuations from a plurality of users for one or more transactions previously transmitted via the global communications network and at least in part of transaction details for one or more new financial transactions for the plurality of users booked by a remote booking system and simultaneously transmitted by the remote booking system via the global communications network. See, e.g., p. 19, line 13-p. 20, line 6 and p. 21, lines 19-23.

Claim 9 is amended to specify processing the financial transaction data using said data conversion processor. Claim 11 is amended to specify processing the financial transaction data using the reconciliation processor; using one or more matching criteria to reconcile the financial transaction data for a set of parties; prioritizing said matching criteria for said set of parties; and using tie-breaker rules of said matching criteria for reconciling inexactly matched market valuations. Claim 24 is likewise amended to propose means for using one or more matching criteria to reconcile the financial transaction data; means for prioritizing said matching criteria; and means for using tie-breaker rules of said matching criteria for reconciling inexactly matched market valuations. See, e.g., p. 28, lines 5-16. In addition, claims

12 and 25 are amended to propose a real-time world-wide market value, user specified decision criteria for valuing; and user specified decision criteria for reconciling.

Support for the foregoing amendment is found throughout the specification and in the claims as detailed above. Accordingly, no new matter has been added.

***Claim Rejections - 35 U.S.C. § 112***

Claims 9, 11, 12, 24, and 25 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The foregoing amendment of claims 9, 11, 24, 12 and 25 is believed to fully address the issues raised by the Examiner and to overcome the rejection, and reconsideration is respectfully requested.

***Claim Rejections - 35 U.S.C. § 103***

Claims 1-10, 12-23, 25-31 and 34 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Sampson et al. (U.S. Patent No. 5,802,499) in view of Warmus et al. (U.S. Patent No. 6,205,452); claims 11 and 24 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Sampson et al. in view of Warmus et al. and in further view of Tso et al. (U.S. Patent No. 6,385,602); and claims 32 and 33 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Sampson et al. in view of Warmus et al. and in further view of Williams et al. (U.S. Patent No. 6,016,484).

With respect to independent claims 1, 14, 27, 29, and 31, the Examiner considers that Sampson teaches every element except conversion of financial data to a standard format, which the Examiner considers to be taught by Warmus. On the contrary, Sampson discloses a system for facilitating and managing the movement of assets (i.e., securities and cash) between counterparties for collateralization of derivative and other financial market exposures. See, e.g., Sampson, Col 1, lines 6-10. It is true that Sampson discloses customer sites tied together by a global communication network (WAN). See, e.g., Sampson, Col 4, lines 9-12. However, instead of transmitting, converting, and comparing, or transmitting, translating, and associating, or receiving

by a mark to market reconciliation system, financial transaction data consisting at least in part of marked-to-market valuations from a plurality of users for one or more transactions previously transmitted via the global communications network, as recited in claims 1, 14, 27, 29, and/or 31, according to Sampson, customers calculate their own or their counterparties' net credit exposure figures, based upon which the Sampson system simply takes those figures and computes and executes asset movements between counterparties to cover the customers' credit exposures. See, e.g. Sampson, Col 11, line 28-Col 12, line 21 and Col 52, lines 4-29.

Moreover, there is no teaching or suggestion whatsoever in Sampson of transmitting, converting, and comparing, or transmitting, translating, and associating, or receiving by a mark to market reconciliation system, financial transaction data consisting at least in part of transaction details for one or more new financial transactions for the plurality of users booked by a remote booking system and simultaneously transmitted by the remote booking system via the global communications network, as recited in claims 1, 14, 27, 29, and/or 31. On the contrary, as noted above, according to Sampson, customers calculate their own or their counterparties' net positions or exposures as is done in existing art systems, but instead of telephoning the counterparty to negotiate an agreed valuation for their collateral asset portfolio and a transfer of assets to cover their exposure, the customers input their calculated net figures to the Sampson system, which then computes and executes asset movements between counterparties to cover the exposures. See, e.g. Sampson, Col 1, lines 40-57; Col 11, line 28-Col 12, line 21; Col 52, lines 4-29; and Col 53, lines 59-62.

As noted by the Examiner, instead of converting the financial transaction data to a standard format, as recited in claims 1 and 14, or translating the financial transaction data, as recited in claims 27 and 29, if the netted exposure file uploaded to the Sampson system by a customer is not in the prescribed "fixed file" format, it is simply rejected as whole. See, e.g., Sampson, Col 11, lines 28-40 and Col 51, lines 31-45. Warmus does not remedy the deficiencies of Sampson. On the contrary, Warmus teaches a method of producing books for distribution in which one or more master and variable page files are

created in a page description language, such as PostScript.RTM representing pages to be produced, and a press command or "book ticket" file is developed, the format of which is the form specified for control of a DCP-1 digital color press, a DocuPrint printer, manufactured by Xerox Corporation, or other demand printer. See, e.g., Warmus, Col 7, line 57-Col 8, line 16.

According to Warmus, the master and variable page files and the press command file are converted into bitmaps used to control printers and/or display devices, or alternatively the master and variable page files are premerged to create a plurality of combined files, which are then sent to a printer or display device or converted to Acrobat.RTM or PDF format and then transmitted to a remote location via fax, e-mail, or web page. See, e.g., Warmus, Col 8, lines 17-47. Thus, instead of thereafter converting transmitted financial transaction data to a standard format, as recited in claims 1 and 14, or thereafter translating the received transaction data upon submission by the user, as recited in claims 27 and 29, Warmus first converts files which are thereafter used to control printers or displays, or first premerges files which are thereafter sent to printers or displays, or first converts files which are thereafter transmitted via fax, email or web page.

Nor does Tso cure the deficiencies of Sampson and/or Warmus. It is true that Tso discloses algorithms and tie-breakers. However, there is no hint of teaching or suggestion in Tso of transmitting, converting, and comparing, or transmitting, translating, and associating, or receiving by a mark to market reconciliation system, financial transaction data consisting at least in part of marked-to-market valuations from a plurality of users for one or more transactions previously transmitted via the global communications network and at least in part of transaction details for one or more new financial transactions for the plurality of users booked by a remote booking system and simultaneously transmitted by the remote booking system via the global communications network, as recited in claims 1, 14, 27, 29, and/or 31. Instead, Tso teaches presenting search results using algorithms and category relevance scores calculated by assigning the highest relevance score of any item in a category as the

category's score, by assigning the average score of all items in the category as the category's score, or by using the median or weighted average, and if assigning scores does not produce a clear ordering, using an alphabetical ordering as a tie breaker. See, e.g., Tso, Abstract and Col 7, line 59-Col 8, line 5.

Neither does Williams remedy the deficiencies of Sampson and/or Warmus and/or Tso. It is likewise true that Williams discloses modules, downloading applications, and use of HTML. See, e.g., Williams, Col 9, lines 34-44 and Col 12, lines 34-44. Likewise, however, there is no hint of teaching or suggestion in Williams of transmitting, converting, and comparing, or transmitting, translating, and associating, or receiving by a mark to market reconciliation system, financial transaction data consisting at least in part of marked-to-market valuations from a plurality of users for one or more transactions previously transmitted via the global communications network and at least in part of transaction details for one or more new financial transactions for the plurality of users booked by a remote booking system and simultaneously transmitted by the remote booking system via the global communications network, as recited in claims 1, 14, 27, 29, and/or 31. On the contrary, Williams discloses a GUI for an electronic monetary system that utilizes electronic representations of money designed to be universally accepted and exchanged as economic value by subscribers of the Williams monetary system. See, e.g., Williams, Col 1, lines 16-27.

Consequently, Sampson et al., Warmus et al., Tso et al., and/or Williams et al., do not disclose, nor even suggest, the required combination of limitations of independent claims 1 and 14 of Applicants' claimed platform-independent method and system of collateral matching and mark to market reconciliation using a global communications network, and/or independent claims 27 and 29 of Applicants' claimed platform-independent automated collateral matching and mark to market reconciliation method and system for creating, managing, verifying, and confirming matched financial transactions, and/or independent claim 31 of Applicants' claimed platform-independent automated system for collateral matching and mark to market

reconciliation. The claimed combinations are not taught or suggested by Sampson et al., Warmus et al., Tso et al., and/or Williams et al., either separately or in combination with one another. Because the cited references, either alone or in combination, do not teach the limitations of independent claims 1, 14, 27, 29, and 31, the Examiner has failed to establish the required *prima facie* case of unpatentability. See In re Royka, 490 F.2d 981, 985 (C.C.P.A., 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP §2143.03.

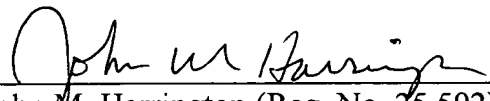
The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claims 1, 14, 27, 29, and 31 and similarly has failed to establish a *prima facie* case of unpatentability for claims 2-13 that depend on claim 1, claims 15-26 that depend on claim 14, claim 28 that depends on claim 27, claim 30 that depends on claim 29, and claims 32-34 that depend on claim 31, and which recite further specific elements that have no reasonable correspondence with the references.

### Conclusion

In view of the foregoing amendment and these remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the examiner is requested to reconsider and withdraw the rejection and to pass the application to issue. The examiner is respectfully invited to telephone the undersigned at (336) 607-7318 to discuss any questions relating to the application.

Respectfully submitted,

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John M. Harrington (Reg. No. 25,592)  
for George T. Marcou (Reg. No. 33,014)

Kilpatrick Stockton LLP  
607 14<sup>th</sup> Street, NW, Suite 900  
Washington, DC 20005  
(202) 508-5800